Calendar No. 1203

82D CONGRESS, 2d Session } SENATE { REPORT No. 1270

FREDERIC JAMES MERCADO

MARCH 11 (legislative day, FEBRUARY 25), 1952.—Ordered to be printed

LAW LIBRARY
UNIV. OF MICH.
MAR 24 1952

Mr. MCCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1766]

The Committee on the Judiciary, to which was referred the bill (S. 1766) for the relief of Frederic James Mercado, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, as amended, and notwithstanding any provision of law excluding aliens inadmissible to the United States because of race, the minor child, Frederic James Mercado, shall be held and considered to be the natural-born alien child of Master Sgt. and Mrs. Hector R. Mercado, citizens of the United States.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the racial barrier to admission into the United States in behalf of a minor half-Japanese child in the custody of Sgt. and Mrs. Hector R. Mercado, who are citizens of the United States. The child would be considered to be a nonquota immigrant which is the status normally enjoyed by the alien minor children of citizens of the United States. The bill as originally introduced did not provide for a racial waiver and the bill has been amended to provide for such waiver.

STATEMENT OF FACTS

The beneficiary of the bill was born in Japan on December 12, 1946, of a Japanese mother and an American soldier father. He was abandoned by his mother in an orphanage in Tokyo when only a few months old and is presently residing in the home of Sgt. and Mrs. Hector R. Mercado at the United States Air Base in Yakota, Japan.

A letter dated January 3, 1952, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

JANUARY 3, 1952.

Hon. PAT MCCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 1766) for the relief of Frederic James Mercado, an alien.

The bill would provide that, for the purposes of the immigration and naturalization laws, Frederic James Mercado, a minor Japanese child, shall be considered to be the natural-born alien child of Master Sgt. and Mrs. Hector R. Mercado, citizens of the United States.

The files of the Immigration and Naturalization Service of this Department disclose that the alien child was born in Japan on December 21, 1946, of a Japanese mother and an American-soldier father. He was abandoned by his mother in an orphanage in Tokyo when only a few months old, and he is presently residing at the United States Air Base in Yakota, Japan, in the home of Sgt. and Mrs. Hector R. Mercado, who are in the process of adopting him.

The files further reflect that Sergeant Mercado was born in Miami, Ariz., on June 18, 1917, and Mrs. Mercado, nee Ernestine Flores, in San Fernando, Calif., on August 6, 1921. The Mercados have two daughters, who were born in Whittier, Calif., on June 10, 1943, and June 10, 1945, respectively. According to Mr. Rodolfo Mercado, Sergeant Mercado's father, a native and citizen of Mexico, residing in Bell, Calif., Sergeant Mercado attended high school in Bell until 1934, and shortly thereafter joined the United States Army, where he has since continued to serve.

The alien child, being of at least 50 percent of the Japanese race, is ineligible for naturalization under section 303 of the Nationality Act of 1940, and thus inadmissible to the United States under section 13 (c) of the Immigration Act of 1924. In the absence of special legislation, he may not be permitted to enter the United States for permanent residence. It should be noted, however, that the bill as drafted, if enacted, would not accomplish the desired purpose of the sponsor to facilitate the immigration of the child to the United States, since it contains no waiver of the racial grounds of exclusion. It is suggested that the bill might properly be amended by striking out everything after the enacting clause and substituting the following:

"That solely for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, Frederic James Mercado, a minor half-Japanese child, shall be considered to be the natural-born child of Master Sgt. and Mrs. Hector R. Mercado, citizens of the United States, and notwithstanding the provisions of section 13 (c) of said Act, said Frederic James Mercado may be admitted to the United States at any time within one year after the date of enactment hereof when in possession of an unexpired immigration visa issued under section 4 (a) of said Act, provided he is otherwise admissible under the immigration laws."

Whether, under the circumstances in this case, the bill in its proposed amended form should be enacted involves a question of legislative policy concerning which this Department prefers not to make any recommendation.

Sincerely,

A. DEVITT VANECH,
Deputy Attorney General.

Senator William F. Knowland, the author of the bill, has submitted the following information in connection with the case:

SIX THOUSAND ONE HUNDRED SIXTY-FIRST AIR BASE WING,
APO 328, care of Postmaster, San Francisco, Calif., June 14, 1951.

Hon. WILLIAM KNOWLAND
United States Senate, Washington 25, D. C.

DEAR SENATOR KNOWLAND: It is my understanding that Master Sgt. Hector R. Mercado, AF 6570234, is making application for the adoption of an American-Japanese child. Since the law requires character references, I am indeed happy to submit such a letter.

Although Master Sergeant Mercado has only worked under my indirect supervision for a period of 5 months, I have had the unique opportunity of meeting his wife and have become familiar with his mental and moral attributes. Master Sergeant Mercado is sincere in his request and judging from his past record will make every effort to provide an ideal home for this child.

Master Sergeant Mercado is a member of my inspection team. As such, he is in the position of accomplishing as little or as much toward the efficiency of his organization as he desires. In short, much of his work is accomplished necessarily without close supervision. In this respect, Master Sergeant Mercado has displayed resourcefulness and is energetic, sincere, and diplomatic in assisting his commander in the accomplishment of the over-all mission. Above all these qualities, this man has displayed loyalty which makes him of the utmost value to the service and in my opinion a good family man.

From the financial viewpoint, Master Sergeant Mercado's income is sufficient to provide adequately and comfortably for the anticipated family increase. He manages his financial matters in an excellent manner and to my knowledge has no outstanding debts.

I should like to reiterate that I am more than proud to have the opportunity of recommending Master Sergeant Mercado as the foster-father of this child. If there are any detailed questions you would like answered or any other assistance that I might give in this matter, please do not hesitate to render your request.

Very truly yours,

VAN E. NEAL,
Lieutenant Colonel, United States Air Force,
Wing Inspector.

HEADQUARTERS AND HEADQUARTERS SQUADRON,
SIX THOUSAND ONE HUNDRED AND SIXTY-FIRST AIR BASE WING,
APO 328, June 12, 1951.

Hon. WILLIAM F. KNOWLAND,
United States Senate, Washington 25, D. C.

DEAR SENATOR KNOWLAND: Master Sgt. Hector R. Mercado, a member of my organization, has adopted a 4-year-old boy child, here in Japan. I know Sergeant Mercado and his wife personally and am aware of their heartfelt desire to keep this child with them.

The Mercados are a good stable family and will provide a fine home for this boy. The child will enjoy the benefits of family life with the two Mercado daughters.

The child has had a thorough physical examination here by Air Force doctors and was found physically sound.

Sincerely,

DANIEL KRAMER,
Major, United States Air Force, Commanding.

SIX THOUSAND ONE HUNDRED AND SIXTH-FIRST AIR BASE WING,
APO 328 care of Postmaster, San Francisco, Calif., June 6, 1951.

Hon. WILLIAM KNOWLAND,
United States Senate, Washington 25, D. C.

DEAR SENATOR KNOWLAND: One of your constituents, Master Sgt. Hector R. Mercado, AF 6570234, who is under my supervision in this Inspector General's office, this base, requested the undersigned to write you a character reference letter.

Master Sergeant Mercado has been under my supervision for the past 8 months and during this time I have come to know his family and his personal characteristics quite well. He is known to me as a very stable man who performs his duties in a superior manner. He is very conscientious and provides for his family well. He manages his finances in such a manner that he is not in debt and maintains a high standard of living for his family.

I consider myself fortunate indeed to have a man of his caliber under my supervision.

Very truly yours,

WILSON RALSTON,
Major, United States Air Force,
Air Inspector.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1766), as amended, should be enacted.

O